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REMARKS

Claims 1-22 are presently pending. In the above-identified Office Action, Examiner rejected Claims 1-8 and 17-20. Claim 18 was rejected under 35 U.S.C. 112, second paragraph as being indefinite based on Applicant's use of the term *and/or*. Claims 1-8, 19, and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Yu. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Chen. Claims 9-16, 21, and 22 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. The indication of allowable subject matter is gratefully acknowledged.

Claim 9 was amended to include key limitations of the associated base Claim 7 and intervening Claim 8, and consequently, should be allowable. Accordingly, associated dependent Claims 10-16 should be allowable. Claim 18 was amended to overcome rejections under 35 U.S.C. 112 regarding use of the term *and/or*. Accordingly, Claim 18 should be allowable. Claim 21 was rewritten as an independent claim that incorporates key limitations of the associated base Claim 19 and intervening Claim 20, and consequently, Claim 21 and associated dependent Claim 22 should be allowable.

By this Amendment Applicant has cured the objections to the present Application. For the reasons set forth below, the present Application is submitted as properly defining an invention patentable over the prior art. Reconsideration, allowance, and passage to issue are respectfully requested.

In rejecting Claim 1 under 35 U.S.C. 102(b) in view of Yu, Examiner suggests that Yu discloses a device comprising a first means 52, a second means 60, a third means 42, and a fourth means 32, including mechanical links 53, 33, 20, and 43, interconnecting said first, second, and third means, and a seat 31 and adjustable elements 70 that are capable of applying resistance to said first and second means. However, Yu neither teaches, discloses, nor suggests an exercise machine that includes a mechanism that affords a user

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the option to choose between applying positive resistance during pulling or pushing motions or to provide positive resistance when one limb pushes while the corresponding limb pulls. Unlike the art of record, the present invention as recited in Claim 1 and added Claim 23 provides an efficient and versatile exercise machine that provides a user the option to exercise different limbs with opposite motions (e.g., one leg moves forward, while the other leg moves back) or similar motions (both legs move forward and backward simultaneously) with resistance during pulling motions only, pushing motions only, or resistance during both pushing and pulling motions.

Regarding Claims 3 and 6 as amended, Chen purportedly shows a resilient member 70 that provides resistance for the exercise machine. However, this resilient member 70 does not enable a user to selectively vary resistance felt based on the position of the exercise machine, i.e., based on the portion of a particular exercise motion. At most, Chen shows a permanent resilient member 70 that affords only one degree of resistance at each portion of an exercise motion. Applicant's use of an additional pin 60 (see paragraph beginning on page 16, line 27 of the present Application) facilitates adjusting resistance felt at different portions of an exercise motion, such as at the extremes of an exercise motion. Unlike Yu, an embodiment of the present invention may enable a user to tailor where in the overall exercise motion the most resistance is felt, i.e., to selectively distribute resistance throughout the exercise motion.

Regarding Claim 5, neither Yu nor Chen teaches, discloses, or suggests an exercise machine having a stationary seat. Seats that are stable, in particular, vertically stationary relative to the ground, are advantageous when performing simultaneously tasks, such as reading or watching television while exercising. If Examiner agrees that Applicant has presented patentable material in Claims 1-6 but does not feel that the claims are technically adequate, Applicant respectfully requests that Examiner make appropriate adjustments to the claims pursuant to MPEP 707.07(j).

Claim 7 was rejected under 35 U.S.C. 102(b) in view of Yu. However, the art of record does not disclose a machine having a mechanism that provides positive resistance

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when a user extends one or more limbs and a mechanism that provides positive resistance as a user moves one or more limbs into a compressed or curled position, said one or more limbs including legs. At most, Yu discloses providing positive resistance in one direction only (See Applicant's definition of positive resistance and negative resistance beginning on page 2, line 9.).

Chen purportedly enables both pull-type and push-type exercises. However, when Chen is configured for pull-type exercises, the legs remain substantially strait (see Figs. 4 and 5 of Chen) and do not move from a compressed or curled position or vice versa as recited in Claim 7 as amended and as recited in original Claim 8 (See Applicant's definition of a curled position and a compressed position beginning on page 11, line 3). Furthermore, neither Yu nor Chen disclose an exercise machine with a stable, i.e., stationary seat as recited in Claim 8 as amended.

Claim 17 was rejected under 35 U.S.C. 103(a) in view of Chen. Examiner suggests that it would be obvious to provide a plurality of separate extents for the feet or to provide a single extent with a plurality of sections. However, neither Chen nor Yu teach, disclose, or suggest an exercise machine with a mechanism to enable "actuation of said seatback an not said seat," as recited in Claim 17. Actuation of the seatback and not the seat is particularly advantageous for facilitating abdominal crunches in certain embodiments of the present invention. Since the claims should be read in light of the specification, and since the specification clearly discusses a seat 24 and a seat back 62 as separate entities, the terminology employed in Claim 17 should be sufficient to distinguish over the prior art.

Claims 19 and 20 were rejected under 35 U.S.C. 102(b) in view of Yu. With reference to Figs. 2 and 3 of Yu, the seat assembly 30 of Yu elevates during operation, and consequently does not remain stable or stationary as recited in Claim 20 as amended. Furthermore, motion of the seat assembly 30 of Yu is coupled to the motion of the backrest 41 of Yu. Consequently, movement of the seat 30 is not independent from

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motion of the backrest 41 as recited in Claim 19 as amended and as implied in original Claim 17. Accordingly, Claim 19 should be allowable in light of the references.

Applicant asserts that all limitations added to the claims by this Amendment are reasonable and are primarily clarifications of limitations already implied in Applicant's original claims. Accordingly, if Examiner cites additional art in the subsequent Office Action, Applicant requests that that action not be made final per MPEP 706.07(a) (f 3). Furthermore, since Applicant is seeking to define Applicant's invention in claims that will give applicant justly entitled patent protection, prosecution should not be prematurely cut off (MPEP 706.07).

None of the references, taken alone or in combination, teaches, discloses, or suggests the invention as presently claimed. The present Application is believed to be in proper form for allowance. Accordingly, allowance, and passage to issue are respectfully requested.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 703-872-9314, on November 17, 2003.

Respectfully submitted,

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